

**Appl. No.** : 10/789,630  
**Filed** : February 27, 2004

### **REMARKS**

Applicant respectfully requests consideration of the above-identified application in view of the amendments set forth above and the comments set forth below. By way of summary, Claims 1–30 were pending in this application. Claims 8–14 and 18–23 have been canceled and Claims 15 and 24 have been amended. Claims 31–33 have been added by this amendment. Accordingly, Claims 1–7, 15–17, and 24–33 remain pending in this application.

#### Claims 8–14 and 18–23 Have Been Cancelled

Claims 8–14 and 18–23 have been rejected on various grounds by the Examiner. While Applicant does not necessarily agree with the basis for the rejections, these claims have been cancelled by this amendment. The Applicant, however, reserves the right to pursue the subject matter of these claims in a continuation if desired or deemed appropriate.

#### Double Patenting

Claims 1–7, and 21–30 are rejected over Claims 1–7 of U.S. Patent No. 6,487,882 and Claims 1–14 of U.S. Patent No. 6,698,261, respectively, on the basis of the judicially created doctrine of obviousness-type double patenting. While Applicant does not necessarily agree with the basis for the rejection, a terminal disclaimer is enclosed to overcome the rejection. Reconsideration is respectfully requested.

#### Claims 1–3 Are Patentable Over Hoshino

Claims 1–2 stand rejected as unpatentable over Hoshino (U.S. Patent No. 5,419,650). Applicant respectfully submits that Claims 1–2 are patentable over this reference for at least the reasons explained in greater detail below.

Hoshino does not teach or suggest all the limitations that are recited in Claims 1–3. For example, Claim 1 recites, among other things, “a slot extending longitudinally between the front surface and the rear surface and radially between the side surface and a relief opening defined within the plug portion, a channel defined through the plug portion along the slot.” Hoshino teaches a cylindrical tubular body, which is identified as a plug in the Office Action. For the tubular body to teach at least the limitations of the plug that are recited above, the tubular body must at least have a slot, a relief opening, and a channel as defined in the claim. The tubular body, however, does not include a distinct relief opening and channel. The only construction that would permit Hoshino to anticipate Claim 1 is if the single lumen of the tubular member were to

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satisfy both the relief opening and the channel recited in Claim 1. This construction is impermissible because a single disclosed structural feature in a prior art reference cannot be used to satisfy two distinct structural limitations in a claim. If the single lumen of the tubular member were used to satisfy the relief opening, the tubular member would not have a separate and distinct channel. Likewise, if the single lumen of the tubular member were used to satisfy the channel, the tubular member would not have a separate and distinct relief opening.

Because the construction of Claim 1 and application to the prior art used by the Examiner would impermissibly require two distinct limitations to be satisfied by the single lumen of the tubular member in Hoshino, Applicant respectfully submits that Hoshino does not teach all the limitations that are recited in Claim 1. Accordingly, Applicant respectfully submits that Claim 1 is not anticipated by Hoshino and is in a condition for allowance. Inasmuch as Claims 2 and 3 depend from Claim 1, which is believed to be in a condition for allowance, Applicant respectfully submits that Claims 2 and 3 are likewise in a condition for allowance. Therefore, reconsideration and allowance of Claims 1–3 is respectfully requested.

Claim 7 Is Patentable Over the Combination of Hoshino and Borenstein

Claim 7 stands rejected as unpatentable over the combination of Hoshino and Borenstein (U.S. Patent No. 4,651,771). The Office Action states that “Hoshino teaches a plug member on a locking cap but fails to specify the material used.” Borenstein is then combined with Hoshino to assert that the material from Borenstein, brass, can be combined with Hoshino, and in doing so, the combination allegedly renders Claim 7 obvious. Applicant respectfully submits that Claim 7 is patentable over this combination for at least the reasons explained below.

Claim 7 is patentable over the combination for at least two reasons. First, Claim 7 depends from Claim 1, and as explained previously, Hoshino does not teach all the limitations recited in Claim 1. As Borenstein is only combined with Hoshino to establish a choice of material, the combination of Hoshino and Borenstein still lack a teaching or suggestion of all the limitations of Claim 1. Accordingly, Claim 7 should be allowed because it depends from an allowable claim. Second, if Hoshino and Borenstein are combined, the combination would be for the purpose of establishing a brass plug portion. The plug portion of Hoshino, however, is a thin-walled tube, and combining the references results in a brass, thin-walled tube. The brass, thin-wall tube would yield too easily and would not return to a compressed state when the moveable member is retracted. Thus, the combination would render Hoshino unfit for its

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intended purposes. Applicant, therefore, respectfully submits that the combination of Hoshino and Borenstein is inappropriate as it would render one of the references unfit for its intended purpose, and reconsideration and allowance of Claim 7 is respectfully requested.

Claims 4–6 Are Patentable Over the Combination of Hoshino and Borenstein

Claims 4–6 stand rejected as unpatentable over the combination of Hoshino in view of Segal (U.S. Patent No. 5,803,110). Claims 4–6 depend from Claim 1, and as explained previously, Hoshino does not teach all the limitations recited in Claim 1. As Segal is only combined with Hoshino to establish an allegedly similar key head, the combination of Hoshino and Segal still lack a teaching or suggestion of all the limitations of Claim 1. Moreover, Claim 5 recites that the female pattern is a cloverleaf **consisting of** seven apexes and eight wavy grooves interconnecting the seven apexes. As such, the pattern of Claim 5 must have seven apexes and no more. Thus, Claim 5 is not taught by the combination. Accordingly, Applicant respectfully submits that Claims 4–6 should be allowed because they depend from an allowable claim and that at least Claim 5 also recites further patentable distinctions. Thus, reconsideration and allowance of Claims 4–6 is respectfully requested.

Amended Claims 15–17 Are Patentable Over the Combination of Hoshino and Drach

Claims 15–17 stand rejected as unpatentable over the combination of Hoshino in view of Drach (U.S. Patent No. 4,526,193). Claims 15–17 have been amended, and the Applicant respectfully submits that the amended claims are patentable over the combination.

Drach teaches pins that are used to drive an inner member, which operates the valve, or tightens and loosens the plug over the opening. Consequently, the outer body is permitted to rotate relative to the pins. In contrast, amended Claim 15 recites that the pins are “connected to the plug to allow rotation of the plug but not to facilitate expansion or contraction of the plug.” Consequently, the pins are coupled to the body of the plug and not to the moveable member or actuator. Such an arrangement is not taught or suggested by the combination of Hoshino and Drach, and Applicant respectfully submits that Claim 15 is in a condition for allowance over the combination. Additionally, as Claims 16 and 17 depend from Claim 15, which is in a condition for allowance, Applicant respectfully submits that Claims 16 and 17 are also in a condition for allowance. Thus, reconsideration and allowance of Claims 15–17 is respectfully requested.

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Amended Claims 24–30 Are Patentable Over Patterson, the Combination of Patterson and Stehling, and the Combination of Patterson and Borenstein

Claims 24–30 stand rejected as unpatentable over Patterson (U.S. Patent No. 5,295,831), the combination of Patterson and Stehling (U.S. Patent No. 5,033,501), and the combination of Patterson and Borenstein. Claims 24–30 have been amended, and the Applicant respectfully submits that the amended claims are patentable over the combination.

Patterson is the primary reference used in rejecting the Claims 24–30 and discloses a disposable torque wrench for dental components. The torque wrench of Patterson requires a relief cut to ensure that the wrench will yield as described by the patent. Claim 24 has been amended to recite that the locking cap keys do not include a relief cut, as required by Patterson. Accordingly, Applicant respectfully submits that the amendment distinguishes Patterson and places Claim 24 in condition for allowance. Additionally, as Claims 25–30 depend from Claim 24, which is in a condition for allowance, Applicant respectfully submits that Claims 16 and 17 are also in a condition for allowance. Thus, reconsideration and allowance of Claims 24–30 is respectfully requested.

New Claims 31–33 Distinguish Over the Prior Art

Claims 31–33 have been added for consideration. Claims 31 and 32 recite, among other limitations, limitations on the relationship between the channel and relief opening of the plug portion. Specifically, Claim 31 recites, among many other limitations, a channel that is positioned along the slot at a location between the relief opening and the side surface of the plug portion. Claim 32 recites, among many other limitations, a channel that is radially displaced from the relief opening. None of the applied references disclose, teach, or suggest such constructions, either alone or in combination. Therefore, consideration and allowance of Claims 31 and 32 is respectfully requested for at least these reasons.

Claim 33 is directed to a locking fire department connection cap with many limitations, many of which have previously been discussed in this response. The claim positively recites a fire department connection locking cap, which is not believed to have existed prior to applications invention and, thus, none of the applied references disclose, teach, or suggest a locking fire department connection cap with the recited construction, either alone or in combination. Thus, consideration and allowance of Claim 33 is respectfully requested for at least these reasons.

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CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited. As set forth above, Applicant would like to discuss this application with the Examiner to secure allowance should any further rejections otherwise be forthcoming. For this reason, Applicant requests that the Examiner contact the undersigned at (949) 721-6359 prior to issuing any further rejections of the present application.

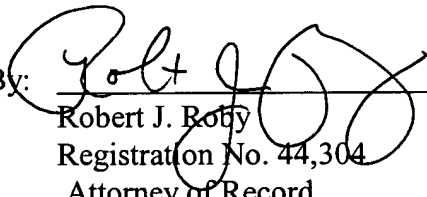
The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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